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**IN THE UNITED STATES DISTRICT COURT**  
**CENTRAL DIVISION, DISTRICT OF UTAH**

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<b>RONNIE L. MCDANIEL,</b>	<b>:</b>	<b>Civil No. 2:09-cv-00309</b>
<b>Plaintiff,</b>	<b>:</b>	
<b>vs.</b>	<b>:</b>	<b>REPORT &amp; RECOMMENDATION</b>
<b>SALT LAKE CITY MAYOR RALPH BECKER, CITY OF SALT LAKE, SALT LAKE COUNTY,</b>	<b>:</b>	<b>JUDGE CLARK WADDOUPS</b>
<b>Defendants.</b>		<b>MAGISTRATE JUDGE BROOKE C. WELLS</b>

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Plaintiff Ronnie L. McDaniel, *pro se*, filed the current action alleging violations of 42 U.S.C. § 1983. As stated in Mr. McDaniel's complaint,<sup>1</sup> he alleges three causes of action against Defendant Ralph Becker<sup>2</sup>: life endangerment, refusal of human rights and due process and refusal of security of person. Upon review of Mr. McDaniel's complaint and the causes of action stated therein, the court now issues this report recommending dismissal.

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<sup>1</sup>Complaint, Docket No. 3.

<sup>2</sup>While the caption of Plaintiff's Complaint names Salt Lake City Mayor Becker, the City of Salt Lake and Salt Lake County as defendants, the body of the complaint itself (which specifically requires plaintiff to list all Defendants) lists Mayor Becker as the sole, named Defendant.

Section 28 U.S.C. 1915(e)(2) provides that a court “shall dismiss the case at any time if the court determines that . . . the action or appeal (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.”<sup>3</sup>

In order to state a claim under § 1983, a plaintiff must allege “that a person acting under color of state law deprived them of a right, privilege or immunity secured by the Constitution or laws of the United States.”<sup>4</sup> Furthermore, a plaintiff must plead facts from which the court may infer “personal involvement” by the Defendant in the alleged constitutional violations.<sup>5</sup> Here, Mr. McDaniel’s complaint fails to plead any deprivation or personal involvement by Defendant Mayor Becker.

Mr. McDaniel’s first cause of action entitled “life endangerment” states that he has been “stalked and threatened by police investigators” with no protection under the color of law.<sup>6</sup> Plaintiff’s second cause of action entitled “refusal of human rights and due process” states that local and Nevada authorities have been “refusing basic civil rights by accusing plaintiff of crimes and exploitation without due process of law.”<sup>7</sup> Plaintiff’s third cause of action for “refusal of security of person” states that his personal security and well being has “been jepordized [sic] under the color of international law or

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<sup>3</sup>28 U.S.C. § 1915.

<sup>4</sup>42 U.S.C. § 1983.

<sup>5</sup>Walker v City Of Boston, 1983 U.S. Dist. LEXIS 16691.

<sup>6</sup>Complaint, Docket No. 3.

<sup>7</sup>*Id.*

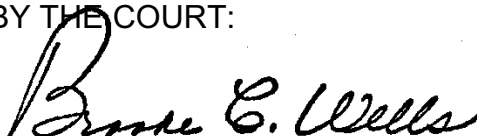
security of persons, by local officials and [n]evada officials”.

As noted above, none of Mr. McDaniel’s three causes of action mentions Defendant Becker by name or indicates what Defendant Becker’s alleged personal involvement was to support his inclusion in the stated causes of action. Accordingly, for these reasons, Plaintiff’s cause of action fails to state a claim against Mayor Becker under 42 U.S.C. § 1983.

Based on the foregoing, it is hereby recommended that this case be dismissed. Copies of the foregoing report and recommendation are being mailed to all parties who are hereby notified of their right to object. Any objection must be filed within ten days after receiving this Report and Recommendation. Failure to object may constitute a waiver of objections upon subsequent review.

DATED this 6th day of August, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Brooke C. Wells". The signature is written in a cursive, flowing style.

Brooke C. Wells  
United States Magistrate Judge